## ILLEGAL DUMPING REPORT ATTACHMENT IV

## ENVIRONMENTAL HEALTH DIVISION Memorandum

Date:

May 24, 2004

To:

John Gregory, Deputy County Administrative Officer

Compliance and Property Mitigation

From:

for the of Ken Stuart, Director of Environmental Health

Health Services Department

Subject:

Update- Waste Hauler Permits

Background: Section 418-2 of the Contra Costa County Code delineates the requirements for the Board of Supervisors to issue Waste Haulers Permits to persons, municipalities, or governmental agencies that collect or transport refuse on the public streets of the county. The Code is all encompassing, and a program issuing waste hauler permits has not been developed or implemented. Problems of illegal dumping in the unincorporated areas of the county are growing, and it appears that unpermitted waste haulers contribute to the problem.

On February 9, 2004, the Division convened a meeting to discuss the development of a waste haulers permit program. In addition to Environmental Health staff being in attendance at the meeting, representatives of the Community Development Department, Building Inspection Department and County Counsel participated in the meeting. It was agreed that this Division should proceed with developing an implementation plan for the permit program. Issues that needed to be reviewed and addressed prior to program implementation included:

- 1. The existing County Code is adequate, but needs amendments.
  - a. Reevaluation of the \$2,000 bond requirement.
  - b. Clarification of the required permit time period one time permanent permit or annual permit.
  - c. Posting of the permit on each vehicle.
  - d. Inclusion of penalty fee authority for operating without a permit.
  - e. Inclusion of an appeal and hearing process.
  - f. Inclusion of fee authority and specified fees included in a fee resolution.
- 2. Confirmation that municipalities/government agencies are exempted from permits by the existing code if they haul waste from their own properties. If the agencies hire contractors to haul the waste, the contractor would need a permit.
- 3. Confirmation that building contractors hauling construction/demolition waste with their company equipment from facilities they are constructing would be exempted. If these firms hire subcontractors to haul the waste, the subcontractor would need a permit.

- 4. Commercial gardeners would need permits for their vehicles or trailers.
- 5. Review of all franchise hauling companies in the county to determine if each vehicle should be permitted.

## **Program Status:**

- 1. Franchise Haulers The solid waste franchise agreements give exclusive rights to waste collection in the incorporated areas to franchisees. Therefore, a private individual or company with a waste hauler permit issued by the Division would appear to not have the authority to haul refuse from facilities in unincorporated areas of the county. Issuing a resident of North Richmond a waste haulers permit and then telling the individual that they can only haul refuse from incorporated cities (if allowed by City Codes) makes little sense. **Status:** Community Development Department staff are reviewing the franchise agreements to determine if a "service added" concept for private permitted waste haulers would be in conflict with the agreements. The "service added" concept means that the permitted hauler not only provides a container for refuse and hauls it away for disposal, but the hauler enters the property and performs services including collecting and removing the waste from inside or outside of the premises.
- 2. Construction and Demolition Wastes The California Integrated Waste Management Board (CIWMB) has adopted mandatory regulations that will apply to the facilities that collect, recycle, and dispose of construction and demolition wastes. Many local agencies, including Contra Costa County, have adopted or are in the process of adopting building permit regulations that regulate the disposal of construction and demolition (C & D) wastes and require the recycling of a set percentage of the waste at the construction sites. Status: Division staffs are reviewing the CIWMB regulations and building permit requirements to determine if the waste haulers permit program would be duplicative. Division staffs have met with representatives of the Associated General Contractors Association, discussed the C & D waste regulations with them, and will continue meeting with the association.
- 3. Gardener/Landscape Wastes The CIWMB has adopted state regulations on the permitting of composting facilities and chipping and grinding facilities. The interest and need to compost organic wastes from gardens are increasing. Division staffs have been instructed to determine if a voluntary certification program for gardeners/landscapers hauling these wastes could be developed, potentially eliminating the need for each vehicle and trailer to be included within a waste-hauling permit. Status: Environmental Health Division and Hazardous Materials Division staffs are active in a Contra Costa-Alameda County Pollution Prevention Program that is currently addressing organic wastes from gardening and landscaping. Ongoing meetings with landscaping business organizations are occurring, and staff will be evaluating the need to include the industry in the waste haulers permit program.
- 4. Waste Tires The CIWMB has adopted mandatory waste tire regulations and documenting (via the manifest and trip log system) the proper disposal of waste tires. The Division has just been awarded its 2004-2005 grant by the CIWMB for

the second year, the grant intended to allow the Division to continue implementing the waste tire enforcement program. **Status:** Division staff have developed a data base of approximately 500 waste tire generators, haulers and facilities in the County. This number may actually be larger, but with the coordinated efforts of other local agencies, surrounding counties and cities, and the CIWMB, the Division will continue implementing an active waste tire enforcement program.

<u>Board of Supervisor Action:</u> Environmental Health Division staff intends to have a proposal ready for Board review and action by September 2004. This package will include recommended program components and code revisions.

cc: William Walker, M.D., Director, Health Services Department Dennis Barry, Director, Community Development Department Carlos Baltodano, Director, Building Inspection Department